

**Washington State Department of Early Learning
Semi-Annual Rule Making Agenda under RCW 34.05.314
July 1, 2010 through December 31, 2010**

**As filed July 29, 2010
Filing Number WSR 10-16-060**

The Department of Early Learning (DEL) prepares a semi-annual rule making agenda in January and July of each year to let the public know about DEL rule changes underway or planned. The current agenda also updates the 2007 Child Care Provider Rule Review Plan prepared under RCW 43.215.502. DEL rules are part of the Washington Administrative Code (WAC), and permanent DEL rules can be found online at [chapter 170 WAC](#). This agenda includes links to rule making notices that DEL has filed with the Office of the Code Reviser for publication in the [Washington State Register](#). Find current information about department rule making activity online at [DEL Rules Under Development](#).

Subject Matter	WAC Chapter or Sections	Description (Contact the DEL Rules Coordinator at rules@del.wa.gov for current information on these rule actions.)	Emergency Rule (CR-103E)	Pre-Proposal Notice (CR-101)	Proposed Rule CR-102 and Public Hearing or CR-105 Expedited Rule	Permanent Rule (CR-103P)
Common Terms, Definitions and Standards	New WAC chapter, and possible revisions of other DEL rules in title 170 WAC	Adopting a new DEL WAC chapter to include terms, definitions or standards that apply to more than one DEL WAC chapter or program. Other DEL WAC chapters may be revised to eliminate duplication.	None.	Filed 12/24/08 as WSR 09-01-185 .	To be determined.	To be determined.
Public Records, DEL Organization	New Chapter 170-01	Adopting a new DEL WAC chapter on public records requests, and adopting DEL organization and index rules required by law.	None	Filed 8/27/09 as WSR 09-18-055	Proposal anticipated in fall 2010	To be determined
DEL Hearing Rules	Chapter 170-03	Adopting technical changes needed to make the rules consistent with other DEL WAC chapters and to revise hearing procedures. Some changes to procedural rules do not require filing a CR-101 pre-proposal notice.	<i>None</i>	Anticipated filing this period if needed.	To be determined	To be determined
DEL Background Checks Rules	Chapter 170-06	Revising the list of crimes that may disqualify a person from working in child care, and procedures for disqualification, reconsideration and due process. Reviewing the rules for consistency with the law and considering whether to apply DEL background check rules to other early learning programs.	None.	Filed 12/24/08 as WSR 09-01-184 .	To be determined.	To be determined.

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Head Start Coordination	Chapter 170-12	No current rule making activity.	None.	N/A	N/A	N/A
Early Childhood Education and Assistance Program (ECEAP)	Chapter 170-100	Amending ECEAP rules consistent with 2010 House Bill 2371. The bill changes the definition of "eligible child" to include children eligible for special education regardless of income.	None.	Filed 5/13/10 As WSR 10-11-064	Filed 7/7/10 as WSR 10-14-118 Public hearing 8/10/10	Anticipated in Fall 2010
Working Connections Child Care (WCCC) and Seasonal Child Care (SCC) Subsidy Programs	Chapter 170-290	Revising WCCC subsidy rules to implement 2010 House Bill 3141 extending WCCC eligibility to 12-months for families with a child in Head Start, Early Head Start or ECEAP.	None	Filed 01/12/10 as WSR 10-03-033	Filed 5/21/10 as WSR 10-11-127 Public Hearings June 22, 23, 24, 25 and 26, 2010.	Filed 7/15/10 as WSR 10-15-063 Effective 8/15/10
Working Connections Child Care (WCCC) and Seasonal Child Care (SCC) Subsidy Programs	Chapter 170-290	Possible revisions to the WCCC rules to meet anticipated shortfalls in the state's WorkFirst budget, and to continue implementing 2010 House Bill 3141.	None	Filed 7/21/10 as WSR 10-15-116	To be determined	To be determined
Hand Sanitizers in DEL-Licensed Child Care Facilities	Chapters 170-151, 170-295, and 170-296	Revising rules to allow the use of alcohol-based hand sanitizers in licensed child care for children over 12 months of age with written permission of a parent or guardian.	Filed 6/17/10 as WSR 10-13-104	Filed 10/22/10 as WSR 09-22-012	Proposed rule anticipated in August 2010; public hearings in Fall 2010	Anticipated in Fall 2010

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School-Age Child Care Programs and Child Care Centers	Chapters 170-151 and 170-295	Increasing licensing fees for school-age programs and child care centers as directed by the Legislature in the 2010-11 Supplemental Operating Budget Bill, ESSB 6444, section 614(14).	Filed 6/14/10 As WSR 10-13-072	Filed 6/14/10 as WSR 10-13-071	Anticipated in August 2010; public hearings in Fall 2010	Anticipated in Fall 2010
School-Age Child Care Centers	Chapter 170-151	Revising the entire School Age Child Care licensing WAC chapter. DEL has contracted School's Out Washington (SOWA), a non-profit group, to review the current rules, gather stakeholder input, and recommend possible WAC changes. SOWA made its recommendations in July 2010. DEL will review the SOWA recommendations and write draft and proposed rules. See the SOWA website to learn more.	None	Filed 4/23/09 as WSR 09-10-009	Anticipated in 2011	To be determined.
Child Care Centers	WAC 170-295-3030	Anticipated rule making due to a public petition (under RCW 34.05.330) to amend WAC 170-295-3030 – When is a child or staff member too ill to be at child care.	None	Anticipated this period	To be determined	To be determined
Child Care Centers	Chapter 170-295	Review of this chapter is planned to start in 2011.	None.	To be determined.	To be determined.	To be determined.
Family Home Child Care	Chapter 170-296	Revising the Family Home Child Care WAC chapter using a Negotiated Rule Making Team (NRMT) consisting of parents, child care providers, the Service Employees International Union, advocates, Washington Child Care Resource and Referral network and DEL staff. The NRMT met from January 2007 through December 2009 to review and recommend draft rules. During the current period, DEL plans to continue developing the formal proposed rules, hold public hearings, and adopt the final rules.	None	Filed 12/01/06 As WSR 06-24-051 .	Anticipated in Fall 2010	Anticipated in late 2010.

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Department of Early Learning Rules	All chapters of Title 170	As DEL WAC title 170 or other agency rules are revised, DEL may revise its rules to update, names, references or other information to keep DEL rules current.	N/A	N/A	Expedited or Proposed rule making as needed.	As needed

Permanent rules adopted in the 12 months prior to this report:

- WSR [09-22-043](#) - DEL Working Connections and Seasonal Child Care Subsidy Program rules. Permanent rules filed on October 28, 2009 and effective December 1, 2009. Revising Working Connections Child Care subsidy rules in chapter 170-290 WAC; incorporating Seasonal Child Care subsidy rules as new Part III of chapter 170-290 WAC; and repealing all sections of chapter 170-292 WAC, Seasonal Child Care.
- WSR [10-15-063](#) - DEL Working Connections and Seasonal Child Subsidy Program rules. Permanent rules filed July 15, 2010 and effective August 15, 2010. Amending WAC 170-290-0082 to implement subsection 2(2) of Engrossed Second Substitute [House Bill 3141](#), extending eligibility to 12 months for families in the WCCC program who have a child enrolled in Head Start, Early Head Start or the Early Childhood Education and Assistance Program, and related revisions.

Notes:

The DEL rule-making agenda is prepared for information purposes, and anticipated rule making dates or periods noted in this agenda are planning estimates that are subject to change. This agenda does not constitute a rule or rule-making action. Any errors or omissions in this agenda do not affect the actual Department of Early Learning rules or DEL rule making notices filed with the Office of the Code Reviser and published in the Washington State Register.

There may be additional DEL rule making that cannot be forecasted as the department adopts rules to implement new state laws, to meet federal requirements, or to meet unforeseen circumstances. Emergency rules noted, if any, are those in effect at the time this agenda was filed with the Code Reviser or were the last emergency rules filed prior to this agenda on the particular subject.

For more information about Department of Early Learning rule making, or to join a mailing list to receive DEL rule notices and draft materials, please email Rules@del.wa.gov, or write to the: DEL Rules Coordinator, PO Box 40970, Olympia, WA 98504-0970.

CR means “Code Reviser.” The Legislature’s Office of the Code Reviser creates the rule-making notice forms filed by all state agencies.

CR-101 is a Pre-proposal Statement of Inquiry notice filed under RCW 34.05.310.

CR-102 may be a Proposed Rule Making notice filed under RCW 34.05.320; a Continuance notice under RCW 34.05.325, or a Supplemental Proposed Rule Making notice under RCW 34.05.340.

CR-103E is an emergency Rule-Making Order filed under RCW 34.05.350

CR-103P is a permanent Rule Making Order filed under RCW 34.05.360

CR-105 is an Expedited Rule Making notice filed under RCW 34.05.353.

WSR means “Washington State Register.” The **WSR numbers** noted in the agenda are the official filing numbers assigned by the Office of the Code Reviser and entered on materials submitted for publication in the Washington State Register.